

MINTZ LEVIN

Howard J. Symons | 202 434 7305 | hjsymons@mintz.com

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-434-7300
202-434-7400 fax
www.mintz.com

June 6, 2011

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Notice
MB Docket No. 07-42

Dear Ms. Dortch:

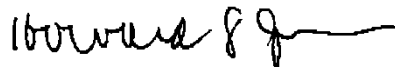
On June 2, 2011, Diana Oo, Director – Federal Relations, Cablevision Systems Corp., and the undersigned met with Rosemary Harold, Media Legal Advisor to Commissioner McDowell, and on June 6, 2011, met with Dave Grimaldi, Chief of Staff and Media Legal Advisor to Commissioner Clyburn, regarding the above-captioned docket.

We argued that changes to the program carriage rules are unnecessary in light of predominance of non-vertically integrated video programmers in the marketplace today and that there is no evidence that MVPDs are engaging in harmful discrimination against independent programmers. If the Commission is nonetheless going to consider changes to the rules, we stressed that such changes, including on fundamental matters like the elements required to make a *prima facie* case and the appropriateness of party-initiated discovery, are more appropriately considered in a Further Notice of Proposed Rulemaking rather than an Order, given the lack of concrete proposals on these matters from the Commission and the staleness of the record. We also urged that any such proposals are appropriately balanced, so that the FCC's procedures cannot be abused by programmers that are otherwise unable to prevail in market negotiations to demand carriage. We noted that such an outcome would be contrary Congressional intent.

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary and served electronically on the Commission participants in the meetings.

Any questions concerning this submission should be addressed to the undersigned.

Sincerely,



Howard J. Symons

cc: Rosemary Harold
 Dave Grimaldi